

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label designation "Prophylactics" was false and misleading as applied to an article containing holes.

**DISPOSITION:** January 27, 1950. Default decree of condemnation and destruction.

## **DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS**

### **DRUGS FOR HUMAN USE\***

**3030. Misbranding of Atomic Botanical Laxative Compound. U. S. v. 117 Bottles, etc.** (F. D. C. No. 28475. Sample No. 53797-K.)

**LIBEL FILED:** December 12, 1949, Northern District of Alabama.

**ALLEGED SHIPMENT:** The drug was shipped on or about September 26, 1949, by the General Products Laboratories, from Columbus, Ohio, and a number of booklets were shipped on or about September 27, 1949, by Atomic Distributors, Inc., from Miami, Fla.

**PRODUCT:** 117 16-ounce bottles of *Atomic Botanical Laxative Compound* at Birmingham, Ala., together with a number of booklets entitled "This Free Booklet Contains Important News." Analysis showed that the product consisted essentially of extracts of plant drugs, including laxative plant drugs.

**LABEL, IN PART:** "Atomic Botanical Laxative Compound Internal Medicine  
\* \* \* Atomic Distributors, Inc. Columbus, Ohio."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the word "Atomic" appearing on the label of the article and certain statements in the booklet were false and misleading. The word and the statements represented and suggested that the article possessed atomic energy, and that a laxative would be effective in promoting health and relieving coated tongue, bad breath, loss of appetite and energy, sleeplessness, nervousness, headaches, sallow complexion, pimples, blackheads, indigestion, and many other such serious conditions. The article did not possess atomic energy, and a laxative is not effective in promoting health and relieving the diseases and conditions stated.

**DISPOSITION:** January 13, 1950. Default decree of condemnation and destruction.

**3031. Misbranding of Harmon's Compound. U. S. v. 131 Bottles \* \* \*.** (F. D. C. No. 27271. Sample No. 1440-K.)

**LIBEL FILED:** May 26, 1949, Middle District of North Carolina; libel amended on or about October 21, 1949.

**ALLEGED SHIPMENT:** On or about April 6, 1949, from Cincinnati, Ohio.

**PRODUCT:** 131 12-ounce bottles of *Harmon's Compound* at Winston-Salem, N. C., in possession of the Standard Sales Co., together with a number of circulars entitled "Here It Is—Harmon's Compound," which were printed locally for the dealer and displayed on the sales counter near the product.

Analysis showed that the product consisted essentially of epsom salt, sodium phosphate, and water, with small proportions of iron salts and flavoring materials.

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\*See also No. 3029.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the accompanying circulars were false and misleading since the article was not effective in the treatment of the conditions stated and implied. The statements represented and suggested that the article would be efficacious for the relief of indigestion and gas; that it would be efficacious in the cure, mitigation, treatment, and prevention of sour stomach, heartburn, belching, and bloating, nervous, dizzy spells, headaches, eyestrain, rheumatism, arthritis, neuritis, pimples, boils, rashes, skin eruptions, nervousness, sleeplessness, high blood pressure, anemia, catarrh, sinus trouble, distress after eating, acid stomach, liver, kidneys, and bladder, and intestinal disorders, colds, rheumatic muscular aches and pains in the feet, legs, hips, arms, and shoulders; that the article would raise total vitality, boost muscle power, restore manly vigor, and bring back that glad to be alive feeling; and that it was a youth restorer. The article was misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 15, 1949. The Standard Sales Co., claimant, having filed an answer denying the allegations of the libel, but subsequently having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**3032. Misbranding of Elemin Tablets. U. S. v. 71 Bottles, etc. (F. D. C. No. 27997. Sample No. 60443-K.)**

**LIBEL FILED:** September 23, 1949, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about August 15, 1949, by G & J Distributors, from Berkeley, Calif.

**PRODUCT:** 71 700-tablet bottles and 67 240-tablet bottles of *Elemin Tablets* at Milwaukee, Wis., in possession of SMS Distributors, together with a number of copies of a booklet entitled "Facts You Should Know About Elemin." The booklets were printed in Milwaukee by copying the text of printed matter sent to SMS Distributors by G & J Distributors.

**LABEL, IN PART:** (Bottle) "Elemin As a Source of the Minerals Iron and Iodine Contains: Iodine and Iron as naturally present in dehydrated kelp, iron gluconate and a Sedimentary Mineral Deposit."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since the article was not effective for the purposes stated and implied. The statements represented and suggested that the article was effective to prevent and correct pyorrhea, gingivitis, poor teeth, tooth decay, arthritis, hemorrhoids, chronic bronchitis, acne vulgaris, pimples, epilepsy, constipation, asthma, hay fever, eczema, nervousness, run-down condition, insomnia, anemia, rheumatic fever, diabetes, poor circulation, high and low blood pressure, undulant fever, indigestion, old-age deposits, poor resistance, mental fatigue, liver disorders, hyperacidity, glandular troubles, poor eyesight, baldness, gray hair, skin disorders, sterility, lameness, stomach ulcers, bone deformities, rickets, tuberculosis, chronic gastritis, indigestion, heart disease, neuritis, and lumbago. The article was misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 4, 1949. A default decree was entered, providing for condemnation of the product and its disposition in accordance with the further order of the court. On November 18, 1949, the product was destroyed by the marshal.